IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) Nos.452, 453 & 454 of 2006

Decided on: July 18, 2006.

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1. **Cr.M.P.(M) No.452/2006:**
   Lalit Thakur
2. **Cr.M.P.(M) No.453/2006:**
   Subash and
3. **Cr.M.P.(M) No.454/2006:**
   Ashok Kumar

…Petitioners.

Versus

State of H.P. **…Respondent.**

Coram

The Hon'ble Mr. Justice Deepak Gupta, Judge.

Whether approved for reporting?[1]

For the Petitioners: **Mr.Ramesh Sharma, Advocate.**

For the respondent: **Mr.J.S.Guleria, Law Officer.**

Deepak Gupta, Judge (Oral)

This order shall dispose of three applications for grant of bail. F.I.R. No.35/2006 dated 11th June, 2006 has been registered against the petitioners under Sections 353, 427, 147, 149, 435, 436 and 201 I.P.C. read with Section 3 of the Prevention of Damage to Public Property Act. The petitioners had moved an application for grant of bail before the learned Fast Track Court, Chamba, who has rejected the same.

2. The prosecution case, in brief, is that on the night of 10th June, 2006 three employees working in the Dam Project were murdered at Village Dakog. On 11th June, 2006 a police party had gone to the spot in connection with the investigation of the case. The S.D.M. was also

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Whether the reporters of the local papers maybe allowed to see the judgment?

present at the spot. It is alleged that when the police was making arrangements for retrieving the bodies of two of the deceased which were lying on the bank of river Ravi then some persons came from Dakog side and some persons came from Kharamukh side and started raising slogans against the Hindustan Construction Company (where the deceased were employed) and obstructed in pulling out the bodies. According to the police, some of the members of the mob were carrying kerosene oil and were armed with ***dandas.***

3. The prosecution case further is that the administration authorities tried to pacify the mob but to no avail. It is alleged that the three petitioners were the leaders of the mob and were instigating the mob. The mob went berserk. It went towards the Dam side and set fire to about 25 vehicles and other machinery and property. The petitioners were arrested on 23rd June, 2006 and since then they are behind the bars.

4. I have gone through the entire police record.

5. It appears that on the date of incident the local people of the area were very upset with regard to the murder of three employees of Hindustan Construction Company. The feeling in the area was that the murders had taken place at the instigation of the officials of the Company. Obviously, there was great resentment against the Company and its officials. This, however, does not give the right to any person to take the law in his own hands. No doubt, there can be protest but the protest should be peaceful and should not be violent.

6. There is dispute with regard to the role which the petitioners played in the incident. At this stage I would not like to go into the merits of the case. The petitioners have been behind the bars for more than almost 25 days. They are local persons belonging to that area. There is no chance of their absconding. Necessary safeguards can be made to ensure that they do not interfere in the investigation or tamper with the

prosecution evidence. Keeping in view the aforesaid discussion, it is ordered that the petitioners shall be enlarged on bail on their furnishing personal bond in the sum of Rs.25,000/- each with two sureties each in the like amount to the satisfaction of any Judicial Magistrate at Chamba. This bail is granted subject to the conditions that the petitioners shall:

i) make themselves available for the purpose of interrogation by the Investigation Officer, as and when called upon to do so by a written ***Hukamnama.***

ii) not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Investigation team or Court;

iii) not attempt to hamper the investigation in any manner whatsoever or tamper with the prosecution evidence;

iv) not commit any offence similar to the offence of which they are accused in the present case. In this behalf it is directed that the petitioners shall refrain from and shall not participate in or address any meeting(s) of any type in District Chamba;

v) not directly or indirectly in any way obstruct the construction work at the Dam site; and

vi) not leave India without prior permission of this Court.

7. In case the petitioners violate any of the conditions, the State shall be at liberty to approach this Court for cancellation of the bail.

8. The applications are disposed of in the aforesaid terms.

Copy ***dasti,*** on usual charges.

July 18, 2006. **(Deepak Gupta)**
(soni) **Judge.**